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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,326	04/14/2004	Viswanath Annampedu	8-15	5404

7590 03/07/2006
Ryan, Mason & Lewis, LLP
Suite 205
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EXAMINER

NEGRON, DANIEL L

ART UNIT PAPER NUMBER

2651

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,326

Applicant(s)

ANNAMPEDU ET AL.

Examiner

Daniell L. Negrón

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,10-15,17,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 6,8,9,16 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 10-12, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ashley et al U.S. Patent No. 6,657,802.

Regarding claims 1, 2, 10, 11, 12, and 19 the rejection applied to claim 19 in the previous Office action mailed September 7, 2005 are herein repeated for the same reasons (see Response to Arguments).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashley et al U.S. Patent No. 6,657,802 in view of Reed U.S. Patent No. 6,549,351.

Regarding claims 3 and 13, the rejection applied to claim 19 in the previous Office action mailed September 7, 2005 are herein repeated for the same reasons (see Response to Arguments).

5. Claims 4, 5, 7, 14, 15, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashley et al U.S. Patent No. 6,657,802 in view of Rezzi et al U.S. Patent No. 6,043,943.

Regarding claims 4, 5, 7, 14, 15, 17, and 20, the rejection applied to claim 19 in the previous Office action mailed September 7, 2005 are herein repeated for the same reasons (see Response to Arguments).

Allowable Subject Matter

6. Claims 6, 8, 9, 16, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed December 9, 2005 have been fully considered but they are not persuasive. In the response to the previous Office action, Applicant argues that Ashley et al U.S. Patent No. 6,657,802 fail to disclose a method of detecting data wherein an ideal sample sequence corresponds to peaks in the data. The Examiner however, respectfully disagrees since the data detection device for signal asymmetry compensation disclosed by Ashley et al comprises a distance metric calculator (252), which calculates a distance between a sample sequence interpolated by the interpolated timing recovery unit (228) and an ideal sample sequence (column 4, lines 39-56). Although Ashley does not explicitly disclose the ideal sample

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sequence as “corresponds to peaks” in the data, it is considered that conventional asymmetry compensation circuits are used for the purpose of adjusting a signal to have positive and negative peaks with equal amplitudes. It is considered that a sequence (i.e., ideal sample sequence and interpolated sample sequence) passing through system components such as an analog-to-digital converter, ITR, and distance metric calculator correspond to peaks the data detected by the device since such are components used to accomplish asymmetry compensation. In addition, further support for the Examiner’s assertion is disclosed in Ashley et al pat. No. 6,587,292, column 1, lines 20-29. Therefore it is considered that Ashley et al meet the limitations of the Applicant’s invention as claimed.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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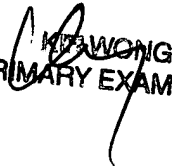
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniell L. Negrón whose telephone number is 571-272-7559.

The examiner can normally be reached on Monday-Friday (8:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DLN 
March 1, 2006


K. WONG
PRIMARY EXAMINER